

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JAMES D. JOHNSON, as next friend to
Olivia Y., et al.

PLAINTIFFS

vs.

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, as Governor of the
State of Mississippi, et al.

DEFENDANTS

**DEFENDANTS' NOTICE OF FILING AFFIDAVIT CERTIFYING COMPLIANCE
WITH NOTICE REQUIREMENTS**

Defendants hereby serve notice that they are filing herein the Affidavit of Kate McMillin, dated May 30, 2008, certifying compliance with the notice requirements as set forth in the Court's May 9, 2008, order.

This, the 2nd day of June, 2008.

Respectfully submitted,

**HALEY BARBOUR, as Governor of the State of
Mississippi; DONALD TAYLOR, as Executive Director
of the Department of Human Services; and
RICKIE FELDER as Director of the Division of
Family and Children's Services**

BY: /s/ Kenya Key Rachal

OF COUNSEL:

Attorney General Jim Hood
State of Mississippi
P.O. Box 220
Jackson, MS 39205-0220

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

W. Wayne Drinkwater, Jr. Esq.
BRADLEY ARANT ROSE & WHITE LLP
188 East Capital Street, Suite 450
Jackson, Mississippi 39201

Stephen H. Leech, Esq.
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330 Seventh Avenue, 4th Floor
New York, New York 10001

Harold E. Pizzetta, III
Special Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
Post Office Box 220
Jackson, Mississippi 39205

I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

Marcia Robinson Lowry, Esq.
Susan Lambiase, Esq.
Shirim Nothenberg, Esq.
CHILDREN'S RIGHTS, INC.
330 Seventh Avenue, 4th Floor
New York, New York 10001

John Lang, Esq.
Christine Carbone, Esq.
John Piskora, Esq.
LOEB & LOEB, LLP
345 Park Avenue
New York, New York 10154

SO CERTIFIED, this the 2nd day of June, 2008.

/s/ Kenya Key Rachal

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DEFENDANTS

AFFIDAVIT OF KATE MCMILLIN

**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally came and appeared before me, the undersigned authority in and for the said County and State, within my jurisdiction, the within named Kate McMillin, who, having been duly sworn by me, states on oath the following:

1. My name is Kate McMillin and I am over 21 years of age. I am of sound mind and competent to testify as to the matters set forth in this affidavit.
2. I am employed as the Director of the Mississippi Department of Human Services' Division of Family and Children's Services.
3. I managed the preparation and mailing of notices to class members regarding the proposed settlement in *Olivia Y v. Barbour*, Civil Action No. 3:04cv251LN.
4. On or before May 30, 2008, Defendants mailed true and correct copies of the Notice of Proposed Fees Settlement and the appropriate accompanying letter signed by Executive Director Donald R. Taylor in accordance with paragraph 1(a) of the Court's Order dated May 9, 2008.
5. On or before May 30, 2008, Defendants prominently posted the Court Order and Notice to Class on the Mississippi Department of Human Services' website in accordance with the May 9, 2008, Court Order.

6. I therefore certify pursuant to the Court's May 9, 2008, Order that Defendants have complied with the notice requirements of that Order.

7. To the best of my knowledge the matters set forth in the forgoing are true and correct.

FURTHER AFFIANT SAYETH NOT, this the 30 day of May, 2008.

Kate McMillin

KATE MCMILLIN

SWORN TO AND SUBSCRIBED BEFORE ME, this the 30th day of May, 2008.

Brenda Gray

NOTARY PUBLIC

My Commission Expires:

MISSION: TO PROVIDE NOTARY PUBLIC
MY COMMISSION EXPIRES JAN. 21, 2011
BONDED THRU STEGALL NOTARY SERVICE

